

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6199

BILL NUMBER: SB 84

NOTE PREPARED: Jan 24, 2008

BILL AMENDED:

SUBJECT: Sex Offender Notification.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR: Rep. L. Lawson

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It changes the penalty from a Class D felony to a Class C infraction for a sex or violent offender who moves to a new county and properly registers in the new county but fails to notify authorities in the previous county of residence of the move.
- B. It requires the local law enforcement authority (LLEA) in the new county to notify the LLEA in the previous county of the sex or violent offender's new location. It requires the LLEA in the previous county to forward relevant information to the LLEA in the new county.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2008.

Explanation of State Expenditures: Under current law, when sex or violent offenders change their primary address, they are required to contact both the local law enforcement agencies with jurisdiction of the past and new addresses. Offenders failing to contact the LLEAs of the new and past addresses commit a Class D felony as a first offense and a Class C felony as a second offense. This bill would reduce this penalty to a Class C infraction if the offender registers with the LLEA of the new address but fails to register with the LLEA of the former address.

In addition, under current law, LLEAs with jurisdiction over the past address are required to inform the LLEA of the new address when an offender moves. This bill would require the LLEA with jurisdiction of the address in the new county to inform the LLEA with jurisdiction of the address in the previous county when a sex or violent offender changes addresses. LLEAs are generally the county sheriffs, and this

requirement only occurs when an offender moves from one county to another.

This bill potentially reduces the costs to the state if an offender is convicted of an infraction rather than a felony. This is because offenders convicted of infractions are not given prison terms. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The average expenditure to house an adult offender was \$19,185 in FY 2007 (not including the cost of new construction).

Explanation of State Revenues: This bill would result in a shift of judgment revenue from Common School Fund to state General Fund and a loss in court fee revenue deposited into the state General Fund. The following table describes these changes.

Revenue Loss From Reducing Penalty from Class D Felony to Class C Infraction		
	Current Law: Class D Felony	Proposed: Class C Infraction
State Share of Court Fees	70% x \$120 from trial courts or 55% x \$120 from city & town courts	70% x \$70 from trial courts or 55% x \$70 from city & town courts
Other State Revenue	Max Criminal Fine: \$10,000 (from Common School Fund)	Max judgment \$500 (to State General Fund)

Explanation of Local Expenditures: *Change in Notification Procedure*– This bill would change the procedure for when a sex or violent offender changes either primary address or employment, job site training, or school. There would likely be no change in expenditures for the LLEAs.

<u>If Sex or Violent Offenders Change:</u>	<u>Current Law</u>	<u>Proposed Change</u>
Primary Address	LLEA in county where offender lives forwards all information about offender to new county. New county LLEA verifies address change in 7 days.	LLEA in new county is to inform LLEA in county where offender previously lived about offender's address change. LLEA in previous county forwards all relevant registration information.
Employment Vocation or School Enrollment	LLEA with jurisdiction in county of previous job or school informs LLEA with jurisdiction where offender will be employed or enrolled.	LLEA in county of new employment, place of vocation, or school is to inform LLEA with jurisdiction of where former employment, place of vocation, or school was located.

Explanation of Local Revenues: *Penalty Reduction*– There is a penalty reduction for a sex offender failing to inform a local law enforcement agency. If additional court actions occur and a guilty verdict is entered, local governments would receive less revenue from court fees. The county general fund would receive 27% of \$70 (infraction or ordinance fee) instead of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance

violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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